

ASSEMBLY, No. 3495

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MARCH 5, 2018

Sponsored by:

Assemblywoman AMY H. HANDLIN

District 13 (Monmouth)

Assemblyman ANTHONY M. BUCCO

District 25 (Morris and Somerset)

SYNOPSIS

Provides changes to transportation planning and funding process to reduce costs of certain transportation infrastructure projects.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/23/2018)

1 AN ACT concerning transportation infrastructure projects, amending
2 P.L.1984, c.73, supplementing Titles 27, 40, and 52 of the
3 Revised Statutes, and repealing section 1 of P.L.1983, c.283.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 21 of P.L.1984, c.73 (C.27:1B-21) is amended to
9 read as follows:

10 21. a. There is hereby established a separate fund entitled
11 "Special Transportation Fund." This fund shall be maintained by the
12 State Treasurer and may be held in depositories as may be selected
13 by the treasurer and invested and reinvested as other funds in the
14 custody of the treasurer, in the manner provided by law. The
15 commissioner may from time to time (but not more frequently than
16 monthly) certify to the authority an amount necessary to fund
17 payments made, or anticipated to be made by or on behalf of the
18 department, from appropriations established for or made to the
19 department from revenues or other funds of the authority. The
20 commissioner's certification shall be deemed conclusive for
21 purposes of the act. The authority shall, within 15 days of receipt
22 of the certificate, transfer from available funds of the authority to
23 the treasurer for deposit in the Special Transportation Fund the
24 amount certified by the commissioner, provided that all funds
25 transferred shall only be expended by the department by project
26 pursuant to appropriations made from time to time by the
27 Legislature for the purposes of the act.

28 b. The department shall not expend any money except as
29 appropriated by law. Commencing with appropriations for the
30 fiscal years beginning on July 1, 1988, the department shall not
31 expend any funds, other than for permitted maintenance, except as
32 are appropriated by specific projects identified by a description of
33 the projects, the county or counties within which they are located,
34 and amounts to be expended on each project, in the annual
35 appropriations act. Funds expended for permitted maintenance may
36 be appropriated as one item of appropriation and subject to
37 allocation at the commissioner's discretion.

38 c. No funds appropriated, authorized, or expended pursuant to
39 this act shall be used to finance the resurfacing of highways by
40 department personnel, where that resurfacing would require the use
41 of more than 100,000 tons of bituminous concrete for that purpose
42 in any calendar year, except that the commissioner may waive this
43 provision when the commissioner determines the existence of
44 emergency conditions requiring the use of department personnel for

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 the resurfacing of highways, after the department has effectively
2 reached the 100,000 ton limit.

3 d. In order to provide the department with flexibility in
4 administering the specific appropriations by project identified in the
5 annual appropriations act, the commissioner may transfer a part of
6 any item to any other item subject to the approval of the Director of
7 the Division of Budget and Accounting and of the Joint Budget
8 Oversight Committee or its successor. Upon approval of the
9 director and the committee, the transfer shall take effect.

10 e. Any federal funds which become available to the State for
11 transportation projects which have not been appropriated to the
12 department in the annual appropriations act, shall be deemed
13 appropriated to the department and may, subject to approval by the
14 Joint Budget Oversight Committee and the State Treasurer, be
15 expended for any purpose for which such funds are qualified.

16 f. There shall be no appropriations from the revenues and other
17 funds of the authority for regular and routine maintenance of public
18 highways and components thereof, or operational activities of the
19 department unrelated to the implementation of, and indirect costs
20 associated with, the capital program. This restriction shall apply to
21 the purchase or lease of any vehicle used for this purpose. The
22 commissioner shall include in his annual budget request sufficient
23 funding to effectuate the purposes of P.L.2000, c.73 (C.27:1B-21.14
24 et al.).

25 g. To the extent that salaries or overhead of the department or
26 the New Jersey Transit Corporation are charged to transportation
27 projects, each agency shall keep adequate and truthful personnel
28 records, and time charts to adequately justify each such charge, and
29 shall make those records available to the external auditor to the
30 authority.

31 h. The commissioner shall annually, on or before January 1 of
32 each fiscal year, report to the Governor and the Legislature how
33 much money was expended in the previous fiscal year for salaries
34 and overhead of the department and the New Jersey Transit
35 Corporation. However, the amount expended from the revenues
36 and other funds of the authority for salaries and overhead of the
37 department and the New Jersey Transit Corporation for the fiscal
38 year beginning July 1, 2006 through the fiscal year beginning July
39 1, 2015 shall not exceed 13 percent of the total funds appropriated
40 from the revenues and other nonfederal funds of the authority for
41 those fiscal years, and **【shall not exceed \$208,000,000】** for the
42 fiscal year beginning July 1, 2016 shall be gradually decreased until
43 the fiscal year beginning July 1, 2018 in which the amount shall not
44 exceed 8.66 percent for that fiscal year and each fiscal year
45 thereafter.

46 i. No revenues or other funds of the authority shall be
47 expended for emergency response operations, the review of
48 applications for access permits under the State highway access

1 management code and membership fees or other fees connected
2 with membership in TRANSCOM, the Transportation Operations
3 Coordinating Committee.

4 j. Every project in which revenues or other funds of the
5 authority are expended shall be included on a website created by the
6 authority whose exclusive purpose shall be reporting on the status
7 of State and federal projects and serving as a singular location for
8 State and federal public documentation concerning those projects.
9 The website shall document the status of each project, presented in
10 tabular form outlining the budgeted amount, the amount spent and
11 committed, and the amount necessary to complete each project. The
12 website shall include a chart which compares the planned and actual
13 quarterly and cumulative expenditures for each project. The
14 website shall chronicle actions which have a bearing on the
15 progress of projects, including, but not limited to, awards for legal,
16 insurance, and engineering services, environmental review, public
17 involvement and outreach, property acquisitions, and construction
18 contracts. The website shall also include a description of any action
19 by an external regulatory agency such as the Department of
20 Environmental Protection, or any other party, which occurred
21 during the reporting period that affected the cost or timely
22 completion of any project in any manner. Information concerning
23 each project shall be included and updated, at minimum, once per
24 month.

25 k. There shall be a minimum appropriation from the revenues
26 and other funds of the authority of \$25,000,000 each fiscal year,
27 commencing with the fiscal year beginning July 1, 2016 for the
28 design, construction, reconstruction, rehabilitation, land acquisition,
29 and environmental mitigation of freight rail projects that: are
30 significant to port commerce connectivity; eliminate rail freight
31 missing links to port facilities; or upgrade freight rail trackage to a
32 286,000 pound load carrying capacity. The amount appropriated
33 pursuant to this subsection shall be inclusive of all amounts
34 annually appropriated for the New Jersey Rail Freight Assistance
35 Program.

36 (cf: P.L.2016, c.56, s.4)

37

38 2. (New section) In addition to, and not in limitation of, the
39 powers of the Commissioner of Transportation, pursuant to
40 R.S.27:7-21, the commissioner shall adopt rules, regulations, and
41 specifications allowing that, for the purposes of department cost
42 savings and increased efficiencies, in any contract covering all
43 matters and things incident to the acquisition, improvement,
44 betterment, construction, reconstruction, maintenance, and repair of
45 a public highway, as that term is defined in section 3 of P.L.1985,
46 c.334, (C.58:11B-3), that:

47 a. the contract contain a provision providing for bonus
48 compensation payment to the contractor, of an amount less than the

1 amount of savings to the Department of Transportation, if the
2 contractor completes a public highway prior to the schedule
3 provided for in the contract; and

4 b. the contract contain a provision allowing the Department of
5 Transportation to require all contractors working on department
6 projects to use a limited number of designs and limited types of
7 designs for a public highway and a limited number of materials and
8 limited types of materials used for the acquisition, improvement,
9 betterment, construction, reconstruction, maintenance, and repair of
10 a public highway which have been pre-approved by the department.

11
12 3. (New section) For the purposes of Department of
13 Transportation cost savings and increased efficiencies, the
14 Commissioner of Transportation, in entering into a cooperative
15 agreement with any county enabling the provision of payments for
16 the cost of designs, labor, and materials for road projects deemed
17 necessary for the effectuation of State or federally-financed State
18 transportation aid and related programs, shall negotiate a single
19 cooperative agreement with a county to provide payments for the
20 cost of designs, labor, and materials, including those designs and
21 materials as required pursuant to subsection b. of section 2 of
22 P.L. , c. (C.) (pending before the Legislature as this bill),
23 for road projects to that county and to every municipality within
24 that county. The cooperative agreement shall be used as a template
25 for any cooperative agreement the Department of Transportation
26 establishes with a municipality within the county where the county
27 is not a party to that cooperative agreement.

28
29 4. (New section) The Legislature finds and declares that:

30 a. Infrastructure projects, such as highways projects,
31 transportation projects, or other types of projects in the public
32 rights-of-way, are vital to maintaining the quality of life enjoyed by
33 the citizens of this State and to ensuring the health, safety, and
34 welfare of its residents.

35 b. Very often these infrastructure projects cannot be undertaken
36 without impact costs resulting from ancillary accommodation work
37 and the relocation of public utility and cable television facilities
38 located in project areas, and along roads and highways, and in the
39 public rights-of-way.

40 c. Public utilities and cable television companies doing
41 business in the State of New Jersey have been granted a privilege to
42 occupy the public rights-of-way and to occupy areas along the
43 State's roads and highways as public utilities and cable television
44 companies that provide vital public services.

45 d. Prior to the effective date of P.L. , c. (C.) (pending
46 before the Legislature as this bill), the Commissioner of
47 Transportation was authorized to include the costs associated with
48 any ancillary accommodation work or the relocation of public

1 utility and cable television facilities in the overall cost of highway
2 projects, thereby requiring taxpayers and citizens of this State to
3 fund these costs.

4 e. In addition, other costs are also passed on to the taxpayers as
5 a result of the existence of facilities during the planning and design
6 phase, the bidding phase, and the construction phase of
7 infrastructure projects.

8 f. In many instances, public utilities and cable television
9 companies delay the relocation of their facilities, thereby increasing
10 the costs of infrastructure projects and denying taxpayers the use of
11 infrastructure projects.

12 g. For any infrastructure project, undertaken by a State, county,
13 or municipal contracting entity and financed with public funds,
14 wherein the existence of public utility or cable television facilities
15 will cause ancillary accommodation work or relocation of public
16 utility or cable television facilities, the cost of such accommodation
17 or relocation shall be borne by that public utility or cable television
18 company and shall not be passed along to the taxpayers of this
19 State.

20

21 5. (New section) As used in sections 4 through 14 of P.L. ,
22 c. (C.) (pending before the Legislature as this bill):

23 “Ancillary accommodation work” means any work caused by, or
24 resulting from, the existence of a public utility or cable television
25 facility within any project area including, but not limited to, a
26 public right-of-way in the course of the design or performance of
27 any infrastructure project. This shall include, but need not be
28 limited to, any work associated with any interference with
29 construction, loss of production, relocation, installation, support,
30 protection in place, or removal of public utility or cable television
31 company facilities within a project area.

32 “Cable television company” shall have the same meaning as
33 provided in section 3 of P.L.1972, c.186 (C.48:5A-3).

34 “Contracting entity” means any State, county, or municipal entity
35 that enters into a contract with a contractor for an infrastructure
36 project.

37 "Contractor" means a person who is directly awarded and enters
38 into a contract for services related to an infrastructure project by a
39 contracting entity.

40 “Coordination meeting” means a meeting conducted by a
41 contracting entity for the purpose of coordinating the design,
42 planning, and construction of an infrastructure project.

43 “Draft infrastructure project work plan and construction
44 schedule” means a draft of a plan and construction schedule for an
45 infrastructure project being contemplated by a contracting entity,
46 which shall include, but need not be limited to, the preliminary
47 design and construction completion schedule anticipated for the
48 infrastructure project.

1 “Final infrastructure project work plan and construction
2 schedule” means a plan and construction schedule for an
3 infrastructure project that has been adopted by the contracting
4 entity. This shall include, at a minimum, the final design and
5 construction completion schedule anticipated for the infrastructure
6 project.

7 “Highway” means any road, street, highway, thoroughfare,
8 bridge, tunnel, overpass, interchange, or right-of-way which is open
9 to the use of the public for the purpose of vehicular travel and
10 which is maintained, owned, controlled, or otherwise under the
11 jurisdiction of the State, a county, or a municipality.

12 “Highway project” means a project comprising the planning,
13 acquisition, engineering, construction, reconstruction, repair,
14 resurfacing, and rehabilitation of highways and the planning,
15 acquisition, engineering, construction, reconstruction, repair,
16 maintenance, and rehabilitation of public transportation projects and
17 of other transportation projects which the State, a county, or a
18 municipality may be authorized by law to undertake.

19 “Impact cost” means any direct or indirect cost associated with
20 any adverse impact on the productive cycle of construction activity
21 on an infrastructure project or, any impact that will prevent a
22 contracting entity from proceeding with the construction and
23 completion of an infrastructure project caused by public utility or
24 cable television company facilities in the project area during the
25 course of an infrastructure project. These costs include, but need
26 not be limited to, any cost as a result of delay in the construction of
27 the project, loss of production, lost profit, and extended field and
28 home office overhead.

29 “Infrastructure project” means any highway project or
30 transportation project or the construction, reconstruction, alteration,
31 addition, physical betterment, or improvement of any other
32 infrastructure within a contracting entity’s jurisdiction.

33 “Infrastructure project contract” means any contract entered into
34 by a contracting entity and a contractor related to an infrastructure
35 project.

36 “Project area” means the physical area in which an infrastructure
37 project is located.

38 “Public highway” shall have the same meaning as provided in
39 section 3 of P.L.1985, c.334, (C.58:11B-3).

40 “Public transportation project” means, in connection with public
41 transportation service, a passenger station, shelter, terminal,
42 automobile parking facility, ferry, ferry facility, including a capital
43 project for a ferry terminal, approach roadway, pedestrian
44 accommodation, parking, dock, and other necessary land-side
45 improvement, ramp, track connection, signal system, power system,
46 information and communication system, roadbed, transit lane, right-
47 of-way, equipment storage, pedestrian walkway, bridge connecting
48 to a passenger station and servicing facility, bridge, grade crossing,

1 rail car, locomotive, motorbus and other motor vehicle,
2 maintenance and garage facility, revenue handling equipment, and
3 any other equipment, facility, or property useful for or related to the
4 provision of public transportation service.

5 "Public utility" means an entity, publicly, cooperatively, or
6 investor-owned, established for the purpose of transmitting or
7 distributing telecommunications, power, electricity, light, heat, gas,
8 oil, crude products, water, steam, waste, storm water, or any other
9 similar commodity.

10 "Public utility facility" means any track, pipe, main or lateral,
11 conduit, access manhole or chamber, cable, wire, towers, pole,
12 telecommunications equipment, data transmissions system, or other
13 equipment, appliance, or apparatus of any public utility, but not
14 including any railroad or any cable television company.

15 "Right-of-way" means any right-of-way dedicated to public use,
16 the jurisdiction over which is held by a State, county, or municipal
17 entity.

18 "Transportation project" means, in addition to a public highway
19 and public transportation project, any equipment, facility, or
20 property useful or related to the provision of any ground,
21 waterborne, or air transportation for the movement of people and
22 goods, including rail freight infrastructure.

23

24 6. (New section) a. A contracting entity shall prepare a written
25 draft infrastructure project work plan and construction schedule for
26 a proposed infrastructure project within its jurisdiction. The draft
27 infrastructure project work plan and construction schedule shall
28 include, but need not be limited to, the following information: a
29 description of the infrastructure project, the time frame in which the
30 infrastructure project shall commence, the time frame for
31 completion of the infrastructure project, a listing of every public
32 utility and cable television company doing business or located
33 within the contracting entity's jurisdiction, and any other relevant
34 information concerning the infrastructure project.

35 b. A contracting entity shall prepare a written final
36 infrastructure project work plan and construction schedule after the
37 coordination meeting required to be held pursuant to subsection b.
38 of section 7 of P.L. , c. (C.) (pending before the
39 Legislature as this bill). The final infrastructure project work plan
40 and construction schedule shall include, but need not be limited to,
41 the following information: a detailed description of the
42 infrastructure project, the time frame in which the infrastructure
43 project shall commence, the time frame for completion of the
44 infrastructure project, a listing of every public utility and cable
45 television company doing business or located within the contracting
46 entity's jurisdiction, and any other relevant information concerning
47 the infrastructure project.

1 7. (New section) a. A contracting entity shall provide notice
2 to every public utility and cable television company which does
3 business or is located within the contracting entity's jurisdiction of
4 any impending infrastructure project within that jurisdiction during
5 the initial planning and design phase of the project and no later than
6 120 calendar days prior to the solicitation of bids for that
7 infrastructure project. The notice shall be provided by certified
8 mail, return receipt requested, and shall include a copy of the draft
9 infrastructure project work plan and construction schedule required
10 pursuant to subsection a. of section 6 of P.L. , ,
11 c. (C.) (pending before the Legislature as this bill).

12 b. Within 60 days of the date of notice provided under
13 subsection a. of this section, the contracting entity shall schedule
14 and hold a coordination meeting between the contracting entity and
15 all authorized representatives from any public utility or cable
16 television company provided notice of the infrastructure project,
17 pursuant to subsection a. of this section, in order to establish the
18 coordination of the infrastructure project and any public utility or
19 cable television company facility protection or relocation work that
20 is required for purposes of the infrastructure project.

21
22 8. (New section) a. Immediately upon receipt of the draft
23 infrastructure work plan and construction schedule required to be
24 provided to a public utility or cable television company, pursuant to
25 subsection a. of section 7 of P.L. , c. (C.) (pending before
26 the legislature as this bill), and prior to the coordination meeting,
27 the affected public utility and cable television company shall
28 undertake all necessary pre-engineering and field location testing,
29 as required, to determine the precise location and extent of their
30 facilities that exist within, and adjacent to, the project area. All
31 costs associated with this pre-engineering shall be borne by the
32 public utility or cable television company, or both, as appropriate.

33 b. At the coordination meeting, any public utility or cable
34 television company whose facility is located in the project area shall
35 provide, in writing, an accurate description, characteristic, and
36 location of all of their facilities, and shall provide a written
37 determination of every facility that will have an impact on the
38 infrastructure project, including whether the characteristic or
39 location of the facility will adversely impact the productive cycle of
40 construction activity on the infrastructure project or, in any manner,
41 will prevent a contracting entity from proceeding in the
42 construction and completion of the infrastructure project.

43
44 9. (New section) Within 30 days of the coordination meeting
45 held pursuant to subsection b. of section 7 of P.L. , ,
46 c. (C.) (pending before the Legislature as this bill), the
47 contracting entity shall distribute to every public utility and cable

1 television company who attended the coordination meeting the final
2 infrastructure project work plan and construction schedule.

3
4 10. (New section) At the discretion of the public utility or cable
5 television company, if it is determined that the public utility or
6 cable television company will perform all, or a portion of, the
7 ancillary accommodation work prior to commencing the
8 infrastructure project, the public utility or cable television company
9 shall perform and complete the ancillary accommodation work in
10 accordance with the final infrastructure project work plan and
11 construction schedule and without any interference or delay to the
12 contractor's work schedule. The public utility or cable television
13 company shall be liable to the contracting entity for any impact
14 costs incurred by the contractor as a result of the failure of the
15 public utility or cable television company to complete the ancillary
16 accommodation work in accordance with the final infrastructure
17 project work plan and construction schedule.

18
19 11. (New section) At the discretion of a public utility or cable
20 television company whose facility adversely impacts the productive
21 cycle of construction activity on an infrastructure project or in any
22 matter prevents a contracting entity from proceeding in the
23 construction and completion of an infrastructure project, if it is
24 determined that, due to circumstances beyond the control of that
25 public utility or cable television company, it cannot complete a
26 portion, or all, of the ancillary accommodation work within, or
27 adjacent to, the project area, and that the contracting entity will be
28 required to perform a portion, or all, of the ancillary
29 accommodation work under the infrastructure project contract, the
30 contracting entity shall include in its solicitation for bid an
31 allowance item to be funded by the public utility or cable television
32 company to reimburse the contracting entity for any impact costs
33 associated with the ancillary accommodation work. In order to
34 ensure funding for the ancillary accommodation work, the public
35 utility or cable television company shall post a payment bond
36 payable to the contracting entity for the estimated cost of the
37 ancillary accommodation work as determined by the contracting
38 entity.

39
40 12. (New section) If, at the discretion of the contracting entity,
41 it is determined that a public utility or cable television facility, in
42 any manner, will delay or prevent the contracting entity from
43 proceeding with the construction and completion of the
44 infrastructure project, the contracting entity shall notify the public
45 utility or cable television company, as appropriate, that the public
46 utility or cable television company is interfering with the
47 infrastructure project and has a set amount of time to relocate,
48 remove, shift, alter, or protect, as appropriate, their facility or

1 facilities so as not to interfere in any way with the infrastructure
2 project.

3
4 13. (New section) If, at the discretion of the contracting entity
5 with jurisdiction over a project area, the existing public utility
6 facilities or cable television company facilities are deemed to be of
7 a poor and deteriorated condition such that those facilities require
8 replacement, the public utility or cable television company
9 responsible for maintaining the facilities shall perform this work
10 prior to the completion of the infrastructure project contract.

11
12 14. (New section) A contractor awarded an infrastructure
13 project contract by the contracting entity shall be given priority
14 over other entities to perform any non-specialized public utility
15 facility or cable television company facility work performed by the
16 public utility or cable television company during the construction
17 phase of the infrastructure project.

18
19 15. (New section) As used in sections 15 and 16 of P.L. ,
20 c. (C.) (pending before the Legislature as this bill):

21 “Cable television company” shall have the same meaning as
22 provided in section 3 of P.L.1972, c.186 (C.48:5A-3).

23 “Emergency” means any condition that creates a risk to the
24 public of potential injury or property damage.

25 “Improvement project” means the laying out, opening,
26 construction, widening, straightening, enlargement, extension,
27 alteration, changing of location, grading, paving, or otherwise
28 improving, of a public highway.

29 “Project area” means the physical area in which an improvement
30 project is located.

31 “Public highway” shall have the same meaning as provided in
32 section 3 of P.L.1985, c.334, (C.58:11B-3).

33 “Public utility” shall have the same meaning as provided in
34 R.S.48:2-13.

35 “Utility work” means connecting, disconnecting, servicing, or
36 repairing or attempting to connect, disconnect, service, or repair any
37 utility service.

38
39 16. (New section) a. No later than 90 days before a county or
40 municipality begins an improvement project on a public highway
41 under its jurisdiction, the county or municipality shall notify all
42 public utilities and cable television companies doing business or
43 located within the project area that the county or municipality will
44 undertake the improvement project.

45 b. Upon receipt of the notice required pursuant to subsection a.
46 of this section, a public utility and cable television company shall
47 have 14 days to notify the county or municipality of any utility

1 work expected to be conducted by the public utility and cable
2 television company in the project area in the next five years.

3 c. The public utility and cable television company and the
4 county or municipality shall determine an adequate number of days
5 during which the public utility and cable television company shall
6 be permitted to conduct utility work in the project area before the
7 county or municipality will commence the improvement project. A
8 county or municipality may, at its discretion, allow a public utility
9 and cable television company to conduct utility work while the
10 county or municipality is working on the improvement project.

11 d. The notice required pursuant to subsection a. of this section
12 shall provide that the public utility and cable television company is
13 prohibited from engaging in any utility work that will result in any
14 opening or alteration to the surface of a highway in the project area
15 for five years commencing on the date the improvement project is
16 completed, except that the prohibition shall not apply in the case of
17 an emergency or to accommodate new construction.

18

19 17. (New section) a. Notwithstanding the provisions of any
20 law, rule, regulation, or order to the contrary, a business needing a
21 permit to conduct work on a "public highway," as that term is
22 defined in section 3 of P.L.1985, c.334, (C.58:11B-3), shall receive
23 priority status from the Department of Transportation and any other
24 State agency or a local agency required to issue an approved permit
25 related to that work.

26

27 18. Section 1 of P.L.1983, c.283 (C.27:7-44.9) is repealed.

28

29 19. This act shall take effect immediately but shall remain
30 inoperative for 90 days following the date of enactment.

31

32

33

STATEMENT

34

35 This bill provides for reforms to current law in an effort to
36 reduce the costs of transportation projects in this State. The bill
37 requires a reduction in the amount of Transportation Trust Fund
38 Authority (authority) support for the salaries and overhead of the
39 Department of Transportation (department) and the New Jersey
40 Transit Corporation from an amount not to exceed \$208,000,000 in
41 fiscal year 2016 to an amount not to exceed 8.66 percent of the total
42 funds appropriated from the revenues of other non-federal funds of
43 the authority by fiscal year 2018 and for each fiscal year thereafter.
44 The bill prohibits an appropriation from the authority's revenues or
45 other funds to purchase or lease certain vehicles.

46 The bill requires the Commissioner of Transportation
47 (commissioner) to adopt rules, regulations, and specifications
48 allowing that in any contract concerning the undertaking of a

1 highway project, that: 1) the contract contain a provision providing
2 for bonus compensation payment to the contractor, of an amount
3 less than the amount of savings to the department if the contractor
4 completes the project prior to the schedule provided for in the
5 contract; and 2) the contract contain a provision allowing the
6 department to require a contractor to use a limited number of
7 designs and limited types of designs for a highway project and a
8 limited number of materials and limited types of materials used for
9 a highway project which have been pre-approved by the
10 department.

11 The bill provides that the commissioner, in entering into a
12 cooperative agreement with any county enabling the provision of
13 payments for the cost of labor and materials for road projects
14 deemed necessary for the effectuation of State or federally-financed
15 State transportation aid and related programs, is to negotiate a
16 single cooperative agreement with a county to provide payments for
17 the cost of labor and materials for road projects to that county and
18 to every municipality within that county. The cooperative
19 agreement is to be used as a template for any cooperative agreement
20 the department has with a municipality within the county where the
21 county is not a party to that cooperative agreement.

22 This bill provides for the accommodation and relocation of
23 public utility and cable television (CATV) company facilities
24 during the course of an infrastructure project undertaken by the
25 State or a county or municipality (contracting entity). The bill
26 improves the process for public utility and CATV company facility
27 accommodation and relocation and requires public utilities and
28 CATV companies to bear the costs for that accommodation or
29 relocation when a contracting entity is undertaking any
30 infrastructure project. In doing so, the bill repeals current law that
31 requires the department to bear those costs.

32 This bill establishes a framework in which contracting entities,
33 public utilities, and CATV companies have delineated rights and
34 responsibilities during an infrastructure project. A contracting
35 entity is required to:

- 36 • Prepare a written draft infrastructure project work plan and
37 construction schedule for any proposed infrastructure project
38 within its jurisdiction, which is to include a description of
39 the infrastructure project and certain other relevant
40 information about the project.
- 41 • Provide this notice to any public utility and CATV company
42 which does business or is located within the contracting
43 entity's jurisdiction of any impending infrastructure project
44 within that jurisdiction during the initial planning and design
45 phase of the project and no later than 120 calendar days prior
46 to the solicitation of bids for that infrastructure project.
- 47 • Schedule and hold a coordination meeting between the
48 contracting entity and all authorized representatives from

- 1 any public utility or CATV company provided notice of the
2 infrastructure project to establish the coordination of the
3 infrastructure project and any public utility or CATV
4 company facility protection or relocation work that is
5 required for purposes of the infrastructure project.
- 6 • Prepare and distribute a written final infrastructure project
7 work plan and construction schedule for an infrastructure
8 project within its jurisdiction.
 - 9 • Determine if a public utility or CATV facility, in any
10 manner, will delay or prevent the contracting entity from
11 proceeding in the construction and completion of the
12 infrastructure project, and notify the public utility or CATV
13 company that it has a set amount of time to relocate, remove,
14 shift, alter, or protect, as appropriate, their facility or
15 facilities so as not to interfere in any way with the
16 infrastructure project.
 - 17 • Determine if the existing public utility or CATV facilities
18 are of a poor and deteriorated condition such that those
19 facilities require replacement and require that the
20 appropriate public utility or CATV company perform this
21 work prior to the completion of the infrastructure project
22 contract.
- 23 A public utility or CATV company provided notice under the
24 bill's provisions is required to do the following:
- 25 • Undertake all necessary pre-engineering and field location
26 testing, as required, to determine the precise location and
27 extent of their facilities that exist within, and adjacent to, the
28 project area. All costs associated with this pre-engineering
29 are to be borne by the appropriate public utility or the CATV
30 company.
 - 31 • Provide in writing, an accurate description, characteristic,
32 and location of all of their facilities, and a written
33 determination of every facility that will have an impact on
34 the infrastructure project, including whether the
35 characteristic or location of the facility will adversely impact
36 the infrastructure project.
 - 37 • Determine whether it will perform all, or any, of the facility
38 ancillary accommodation work in accordance with the final
39 infrastructure project work plan and construction schedule.
40 A public utility or CATV company will be liable to a
41 contracting entity for any impact costs incurred by the
42 contractor as a result of the failure of the public utility or
43 CATV company to complete the ancillary accommodation
44 work in accordance with the final infrastructure project work
45 plan and construction schedule.
 - 46 • Reimburse a contracting entity for any impact costs
47 associated with ancillary accommodation work when it is
48 determined that, due to circumstances beyond the control of

1 that public utility or CATV company, it cannot complete a
2 portion, or all, of the ancillary accommodation work within,
3 or adjacent to, the project area, and that the contracting
4 entity will be required to perform a portion, or all, of the
5 ancillary accommodation work.

6 Further, the bill requires a county or municipality to notify all
7 public utility and CATV companies of any planned improvement
8 project on a public highway under its jurisdiction not later than 90
9 days before the improvement project is to start. A public utility and
10 CATV company then has 14 days to notify the county or
11 municipality of any utility work expected to be conducted in the
12 project area for the next five years. The public utility and CATV
13 company and the county or municipality will determine an adequate
14 number of days during which the public utility and CATV company
15 may conduct utility work in the improvement area before the county
16 or municipality begins the project. A public utility and CATV
17 company are prohibited from engaging in any activity that will
18 result in any opening or alteration to the surface of a highway in the
19 project area for five years beginning on the date an improvement
20 project ends, provided that the required notice was provided to the
21 utility company from the county or municipality. The prohibition
22 does not apply in the case of emergency or to accommodate new
23 construction.

24 The bill requires that a business needing a permit to conduct
25 work on a public highway is to receive priority status from the
26 department and any other State agency or a local agency required to
27 issue an approved permit related to that work.